

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 10067 of 2004

Between:

Deccan Stainless Steel & Wire Industries, P.8.68, Road No.6, Industrial
Development Area,
Nacharam, Hyderabad-500 076,

A partnership firm rep., by its Managing Partner

Sri Ajay C.Sanghvi

..... PETITIONER

AND

A.P. Industrial Infrastructure Corporation Ltd., Commercial Complex, First
Floor, I.D.A., Nacharam, Hyderabad represented by the Divisional Zonal Manager
(E)

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the
circumstances stated in the Affidavit filed herein the High Court will be pleased to
issue a writ, order or direction in the nature of mandamus or otherwise declaring the
action of the respondent in issuing destraint warrant dated 11-6-2004 (Annexure)
against a sick unit as harsh, arbitrary, and therefore, set aside the same

Counsel for the Petitioner: MR.T.S.PRAVEEN KUMAR

**Counsel for the Respondent: MR.E.MADAN MOHAN RAO, Standing Counsel
for APIIC**

The Court made the following :

ORDER: (Per Sri BRSR.J)

The petitioner is aggrieved by the action of the respondent Corporation in issuing the distraint warrant dated 11.6.2004 for realisation of the property tax payable by the petitioner in respect of the premises in its occupation. The respondent Corporation vide its order dated 31.1.2004 having assessed the property tax payable by the petitioner in respect of the premises in a sum of Rs.89,284/- put the petitioner on notice requiring it to pay the arrears of property tax. The petitioner is stated to have submitted a reply dated 28.2.2004 informing the respondent Corporation that the petitioner unit has become sick from 1998 and till date it remained closed and since there is no activity of any manufacturing process going on, it requested the respondent Corporation to keep the assessment order in abeyance.

It is submitted that without even considering the representation so made the respondent Corporation issued the distraint notice dated 19.3.2004 served on the petitioner requiring it to pay the entire amount within a period of 15 days from the date of service of such notice. Since the petitioner did not pay the said amount, distraint warrant dated 11.6.2004 has been issued requiring the petitioner to remit

an amount of Rs.91,070 within a period of seven days.

We have carefully perused the affidavit filed by the petitioner in support of the writ petition. It does not disclose any cause whatsoever requiring our interference in exercise of our jurisdiction under Article 226 of the Constitution of India. Suffice it to notice that the petitioner does not dispute its liability to pay the property tax. All that is stated and pleaded in the affidavit is that the petitioner factory has become sick and is not in a position to pay the huge demanded amount of Rs.91,070/- in lump sum.

Learned counsel for the petitioner submitted that the petitioner is willing to pay the amount, provided six months time is granted by the Corporation to pay the amount. It is not for this Court to grant any time as such for payment of the amount. However, having regard to the fact that the petitioner factory has become sick and is not in a position to pay the amount, we consider it appropriate to direct the respondent corporation to sympathetically consider the case of the petitioner provided a further detailed representation is made by the petitioner within a period of one week from today. It is for the Corporation to take an appropriate decision in the matter and require the petitioner either to pay the amount in lump sum by duly granting some reasonable time or in such installments as the Corporation in its discretion considers appropriate.

The writ petition shall accordingly stand disposed of. No costs.

(B.SUDERSHAN REDDY,J)

Dated 08..06..2005

(RAMESH RANGANATHAN,J)

To

1. The Divisional Zonal Manager (E)

A.P. Industrial Infrastructure Corporation Ltd., Commercial Complex, First Floor,
I.D.A., Nacharam, Hyderabad

2. 2 CD copies.